

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

MICHAEL L. PACK	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. WMN-06-3255
	:	
BALTIMORE CITY POLICE	:	
DEPT., et al.	:	
Defendants.	:	

**MEMORANDUM**

Pending is a pro se complaint filed by Michael L. Pack and a motion for leave to proceed in forma pauperis. The Court will grant the motion to proceed in forma pauperis. The complaint will be dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2).

Mindful that plaintiff has filed the complaint pro se, the Court has accorded the pleading liberal construction. *See Haines v. Kerner* 404 U.S. 519, 520 (1972). As best as the Court is able to discern, plaintiff claims his civil rights were violated at M & T Bank Stadium on November 26, 2006, when Baltimore City police officers asked to see his identification card while plaintiff was taking pictures of them. Complaint at 2. According to Plaintiff, he was told that he would be arrested if he continued to take pictures of the police officers. Plaintiff does not state that he was arrested or issued a citation. Plaintiff states there was no “probable cause” for the officers’ actions. Complaint at 2.

Federal district judges have discretion under 28 U.S.C. § 1915(e)(2) to screen meritless or frivolous cases. *See Neitzke v. Williams*, 490 U.S. 319, 328 (1989); *Nasim v. Warden, Maryland House of Correction*, 64 F.3d 951, 953 (4<sup>th</sup> Cir. 1995). Under *Neitzke*, a complaint may be dismissed under § 1915(e) if it lacks an arguable basis either in law or in fact. *See Neitze*, 490 U.S. at 325. In this case, plaintiff fails to state a federally cognizable cause of action in that he does not claim what civil right was allegedly violated. Further, the facts as presented do not suggest a violation of

federal civil rights occurred. Absent a minimally sufficient factual predicate, this complaint cannot proceed. *See Sado v. Leland Memorial Hospital.*, 933 F. Supp. 490, 493 (D. Md. 1996). Plaintiff has failed to state a cognizable civil rights challenge, and the complaint will be dismissed without prejudice. A separate order follows.

12/15/06  
Date

/s/

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William M. Nickerson  
United States District Judge

